

**Town of Tiverton
Budget Committee
Meeting
Town Hall
Thursday, 19 March 2009
7:00p.m.**

Chairman Jeff Caron called the meeting to order at about 7:00p.m. Attending members were: Jeff Caron, Art Moller, Alex Cote, Joe Bento, Sandy Mantell, Dave Perry, Rob Coulter, Dan Rapoza, Tom Parker, Ray Joubert, and Cynthia Nebergall. Dan Rapoza, Alex Cote, Sanford Mantell joined the meeting at about half past the hour.

1. Approval of minutes.

The minutes of the 18 March 2009 meeting were approved by unanimous consent.

2. Discussion of Taxation, Revenue, and General Fund.

There was no discussion of this matter as it had been discussed at the previous meeting.

3. Continuation from the meeting on 18 March 2009 of development of a docket pursuant to the Town Charter, which may include review and discussion of, and votes on, the School Department budget, any items contained in the budget proposed by the Town Administrator (including the Town Clerk's and the Town Treasurer's budgets), and resolutions.

Jeff Caron opened discussion and entertained motions with respect to Debt Service. Art Moller moved the amount of \$3,542,361 for Debt Service and Joe Bento seconded the motion. The motion passed unanimously.

Joe Bento moved the amount of \$179,645 for Total Recuring (sic) Major Expenditures and Art Moller seconded the motion. The motion passed unanimously.

Tom Parker moved the amount of \$30k for the Town Clerk's Office, Microfilming, and Dave Perry seconded the motion. The motion passed unanimously. Dave Perry moved the amount of \$227,651 for Town Clerk's Office, Total, exclusive of Microfilming, and Art Moller seconded the motion. The motion passed unanimously.

Art Moller moved the amount of \$69,300 for the Town Council, Total, and Joe Bento seconded the motion. The motion passed with eight voting aye: Art Moller, Alex Cote, Joe Bento, Rob Coulter, Dan Rapoza, Tom Parker, Ray Joubert and Cynthia Nebergall, and one voting nay: Dave Perry. Ray Joubert moved that a zero be entered in the line Council Funds-Future Needs and Dave Perry seconded the motion. The motion passed with eight voting aye: Art Moller, Alex Cote, Joe Bento, Dave Perry, Rob Coulter, Tom Parker, Ray Joubert and Cynthia Nebergall, and one voting nay: Dan Rapoza.

Dave Perry moved the amount of \$159,700 for Town Administrator, Total, and Art Moller seconded the motion. Jeff Caron stated that the League of Cities and Towns has vigorously opposed the state cap on property tax levy increases and the Administrator had testified that the League of Cities and Towns had fought for monies from the State for aid to the Town. Cynthia Nebergall moved to amend the motion to reduce the amount to \$153,500, reducing the line item League of Cities and Towns & Chamber. The motion failed with seven voting nay: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Dan Rapoza and Ray Joubert, and three voting aye: Tom Parker, Rob Coulter, and Cynthia Nebergall. The main motion by Dave Perry passed unanimously.

Alex Cote moved the amount of \$12,500 for Board of Canvassers, Total, and the motion was seconded by Art Moller. The motion passed unanimously.

Joe Bento moved the amount of \$38,425 for Town Hall, Total, and Tom Parker seconded the motion. The motion passed unanimously.

Dan Rapoza moved the amount of \$285,000 for Legal Services and Joe Bento seconded. The motion passed with nine voting aye: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Dan Rapoza, Tom Parker, Ray Joubert, and Cynthia Nebergall. Rob Coulter abstained.

At this time Mrs. Nebergall stated that she was recusing herself from discussion of or voting on the next line item, Municipal Court, and she left the building. Art Moller moved the amount \$24,612 for Municipal Court and Ray Joubert seconded the motion. The motion passed with eight voting aye: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Dan Rapoza, Tom Parker, and Ray Joubert. Rob Coulter abstained. Mrs. Nebergall then rejoined the meeting. Alex Cote moved the amount of \$12,800 for Probate Court, Total, and Art Moller seconded the motion. The motion passed unanimously.

Art Moller moved the amount of \$103,140 for Building and Zoning Inspector, Total, and Joe Bento seconded the motion. The motion passed unanimously. Art Moller moved the amount of \$116,806 for Planning Department, Total, and Joe Bento seconded the motion. The motion passed unanimously. Dan Rapoza moved the amount of \$38,500 for Planning Board, Total, and Alex Cote seconded the motion. The motion passed unanimously. Art Moller moved the amount of \$8,000 for Zoning Board of Review, Total, and Dan Rapoza seconded the motion. The motion passed unanimously.

Ray Joubert moved \$5,000 for Economic Development Commission and Joe Bento seconded the motion. The motion passed unanimously. Alex Cote moved the amount of \$1,500 for Town Sergeant and Art Moller seconded the motion. The motion passed with nine voting aye: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Rob Coulter, Dan Rapoza, Tom Parker, Ray Joubert and Cynthia Nebergall. Dave Perry abstained.

Rob Coulter moved the amount of \$10,000 for the Town Financial Meeting and Alex Cote seconded the motion. Rob Coulter said that it is extremely important that, in light of

the improprieties at last year's Financial Town Meeting, there be sufficient monies to assure a legal, proper Financial Town Meeting, possibly including independent, hired vote counters. The motion failed with six voting nay: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Dan Rapoza and four voting aye: Rob Coulter, Cynthia Nebergall, Tom Parker, and Ray Joubert. Dave Perry moved the amount of \$7,000 for the Financial Town Meeting and Rob Coulter seconded the motion. The motion passed unanimously.

Art Moller moved the amount of \$139,363 for Tax Assessor and Joe Bento seconded the motion. The motion passed with nine voting aye: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Cynthia Nebergall, Dan Rapoza, Tom Parker, and Ray Joubert. Rob Coulter abstained.

Joe Bento moved the amount of \$192,269 for Treasurer and the motion was seconded by Dave Perry. The motion passed unanimously.

Alex Cote moved the amount of \$114,063 for Tax Collector and Art Moller seconded the motion. Cynthia Nebergall moved that Part-Time Tax Collector be reduced to \$15k and Dan Rapoza seconded the motion. Mrs. Nebergall said that as the current Part-time Tax Collector has resigned, the Town could save money if it were to eliminate the position of Part-time Tax Collector and combine the duties of the Tax Collector with those of the Tax Assessor, as other Rhode Island towns do. The Town Council could use a portion of the money formerly paid to the Part-time Tax Collector to increase the pay, in the amount the Town Council determined, of the Tax Assessor. The motion failed with seven voting nay: Art Moller, Alex Cote, Joe Bento, Sanford Mantell, Dave Perry, Dan Rapoza, and Ray Joubert, two voting aye: Tom Parker and Cynthia Nebergall, and Rob Coulter abstaining. The main motion by Alex Cote passed unanimously. Dan Rapoza moved the amount of \$3,000 for Tax Sale and the motion was seconded by Dave Perry. The motion passed unanimously.

Art Moller moved the amount \$2,233,572 for Insurance, Total, and Alex Cote seconded the motion. Cynthia Nebergall moved to amend the motion to add to the foregoing amount \$20,000 for Audit of Town Accounts, \$500,000 for Police Pension, \$31,862 for Pension Plan – Municipal, \$56,505 for AFSME, \$196,027 for Pension Plan – Fire Department, \$16,500 for Employee Special Retirement, \$469,412 for Social Security, \$25,000 for Unemployment Security, and \$34,031 for Unfunded Liability – Sick & Vacation, for a total amount of \$3,582,909, and the motion was seconded by Dave Perry. The motion to amend the motion and the amended motion passed unanimously.

Art Moller moved the amount \$73,770 for Animal Control and Joe Bento seconded the motion. The motion passed unanimously.

Dave Perry moved the amount of \$125 for Harbor and Coastal Management and Tom Parker seconded the motion. The motion passed unanimously. Dan Rapoza moved the amount \$14,100 Harbor Master, Total, and Dave Perry seconded the motion. The motion passed unanimously.

Rob Coulter moved the amount \$150,000 for Street Lights and Dan Rapoza seconded the motion. The motion passed unanimously. Art Moller moved the amount \$1,500 for Hydrant Services and Alex Cote seconded the motion. The motion passed with nine voting aye: Art Moller, Alex Cote, Sanford Mantell, Dave Perry, Rob Coulter, Dan Rapoza, Tom Parker, Ray Joubert, and Cynthia Nebergall. Joe Bento abstained.

Dave Perry moved the amount of \$405,355 for Library Services and Tom Parker seconded the motion. The motion passed unanimously.

4. Discussion, public comment, and vote on the request of Mr. Jim Rego, Chairman, Board of Canvassers, at the 12 March meeting, that the Committee request that the Town Council provide voting machines at the Financial Town Meeting to enable ballot voting. Tom Parker seconded the motion. The motion passed unanimously.

5. Schedule Planning.

Jeff Caron said that the Committee would continue and complete the above agenda item 3 during the two meetings next week, Wednesday, 25 and Thursday, 26 March.

The meeting adjourned at 10:00p.m.

Respectfully submitted,
Cynthia Nebergall, Secretary

Budget Committee
19 March 09

February 16, 2009

Florence E. Sippel
Moderator
Town Hall
Tiverton, RI

Budget Committee
Town Hall
Tiverton, RI

RE: Independent Counsel for Moderator

Ladies and Gentlemen

I urge you to allow a docket line item in the FY2010 budget for an independent Counsel for the Moderator at the 2009 Financial Town Meeting (FTM) and propose an amount of \$1,000. Since the Moderator is an elected official, and the voters of Tiverton are very protective of the independence of elected officials as evidenced by the fact that elected officials send their proposed budgets direct to the Budget Committee (but at least with a copy to the Town Administrator to assist him/her in cap compliance) no other Town Official/s can disallow this docket line item.

My reason for this request is to eliminate the glaring appearance of impropriety that I argue was evident at the last FTM when it appeared that the Town Solicitor spent more time consulting with the Town Council rather than with his other client, the Moderator; and when key decisions and opinions appeared to contrary to Roberts Rules and made in the interests of other parties. And even if that were not true, the appearance is palpable and must be avoided. Simply put, it is inappropriate for the Town Solicitor to try to serve two masters and this is what the Code of Professional Responsibility seeks to proscribe. The FTM Moderator must have independent Council so that challenges and points of order are impartially decided on the basis of law and Robert's Rules rather than create the appearance that the opinion is based on what will make the Town Council happy, or how can I ingratiate myself to the people that hire and fire me.

I will be away for the next two weeks but will be glad to answer any questions you may have upon my return. I can appear before a future Budget Committee meeting or you can send your queries by email.

Respectfully



James P. Amarantes
Tiverton Town Treasurer 1990-1992, 2004-2007

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